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Of Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

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UNITED STATES OF AMERICA,  Plaintiff,  vs.  RICO ANTHONY RUSSELL RIGUTTO,  Defendant.	No. 3:22-CR-0015-BR  DECLARATION OF PAUL M. FERDER IN SUPPORT OF THIRD MOTION TO CONTINUE TRIAL
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STATE OF OREGON )  
 ) ss.  
COUNTY OF MARION )

I, Paul M. Ferder, being first duly sworn upon oath, do depose and say that:

1. I am one of the attorneys for defendant.
2. Defendant was indicted on January 19, 2022. Defendant is currently out of custody.
3. Trial is currently set for September 27, 2022, at 9 a.m.
4. This is our third motion to continue the trial.
5. Assistant U.S. Attorney Scott Kerin does not object to a continuance.

6. This firm was retained on December 15, 2021.
7. At this time we are continuing to exchange discovery and need additional time to review additional reports and discuss them with the client.
8. The defendant is out of custody and does not object to our filing a motion to continue his trial and agrees with the requested continuance and understands the rights provided by the Speedy Trial Act and he is willing to waive those rights in light of the reasons set forth herein
9. The current trial date of September 27, 2022, will not provide me with adequate time to effectively represent the defendant's interests as I need additional time to investigate the facts of this case.
9. We would request that the matter be continued for at least 90 days.
10. I would concur with the Court in finding that any period of delay resulting from defendant's motion to continue shall be excludable under 18 U.S.C. §3161, in that the ends of justice served by the granting of defendant's motion for a continuance outweigh the best interests of the public and the defendant in a speedy trial. The basis upon which such a finding is made may include one or more of the following (in addition to the basis set forth herein above):
  - a. A failure to grant such a continuance would result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(I).
  - b. It would be unreasonable to expect adequate preparation for pre-trial proceedings and/or the trial within the time limits established heretofore by the court because defense counsel and defendant have not had time to review the discovery, defense counsel has not had adequate time nor basis to undertake pre-trial motion preparation. 18 U.S.C. §3161 (h)(7)(A)).

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c. Failure to grant defendant's motion for a continuance of this case would deny counsel for the defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv).

DATED this 1<sup>st</sup> day of September, 2022.

/s/ PAUL M. FERDER  
PAUL M. FERDER, OSB No. 720871  
Of Attorneys for Defendant